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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/162,849	09/29/1998	YUMI SUZUKI	FUJA	9310

7590 07/03/2002

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NEW YORK, NY 10118

EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/162,849

Applicant(s)

SUZUKI ET AL.

Examiner

Charles E Anya

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,414,762 to Flisik et. al. in view of Choe.

As to claim 3, Flisik teaches an Adapter (Controller 20 and Shared Memory 52), an Execution Unit (Pabx Interface 40), an Execution Environment Description Unit (Communication Layer 30), an Operating System ("...operating system..", Col. 4, Ln. 56 – 65), a Programming Language (Functional Command), a Task (performing a telephony control event, col. 5, ln. 38-39), a Pseudo Internal Signal Generator (Controller 20), a Queue Manager (Shared Memory 52), and Internal Queue (60, 62).

Flisik is silent as to the language used in the Execution Unit, thus Flisik does not teach the Specification Description Language (SDL).

Choe teaches PBXs use the Specification Description Language (SDL) (col. 14, ln. 23 - 25), it would have been obvious to one having ordinary skill in the art that the PBX of Flisik would have included a Specification Description Language (SDL) since this is common as taught by Choe.

As to claim 2, Flisik teaches the External Environment Description Unit (30) with the Execution Unit (40); see col. 5, ln. 3 - 4. Flisik teaches function

parameters (command parameters, col. 5, ln. 16), converting (56). Flisik does not use a queue manager in the communication direction from the External Environment Description Unit (30) to the Execution Unit (40).

Choe teaches (col. 8, ln.46 - 47), the use of queues (FIFO) for receiving/transmitting commands to and from an Execution Unit (PBX). It would therefore be obvious to one having ordinary skill in the art to use the teachings of Choe in the device to Flisik, because it would be necessary to queue messages into the device to Flisik so that data would not be lost or have to be retransmitted.

As to claim 1, the rejection of claim 3 meets claim 1, since claim 1 is a method claim of claim 3.

Response to Arguments

2. Applicant's arguments filed April 9, 2002 have been fully considered but they are not persuasive.

As to Applicant's argument on page 3, lines 20 – 23 and page 4, lines 1 – 4, Applicant argues that signals can be transferred between an SDL execution unit and external environment description unit under a single task assigned by an operating system to the external environment description unit only, without assigning a separate task to the SDL execution unit.

The limitation of signal transfer between an SDL execution unit and external environment description unit under a single task assigned by an operating system to the external environment description unit only, without assigning a

separate task to the SDL execution units is not in the claim. Thus, this limitation was not considered.

As to Applicant's argument on page 4, line 5 – 22, Applicant argues that the system of Flisik does not have the motivation of reducing operating system overhead. Although the issue of operating system overhead reduction may have been disclosed it is never brought out in the claim. Thus, reducing operating system overhead is not related to the claims.

As to Applicant's argument on page 5, Line 3 – 7, Flisik does not teach specification description language. Choe was used to show that PBX system can be operated using specification description language, hence the motivation to combine Flisik and Choe.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

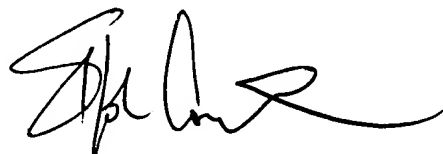
the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M – F (First Friday Off) from 8:30 am to 5:30 pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Charles E Anya
Examiner
Art Unit 2151

A handwritten signature in black ink, appearing to read 'St. John Courtenay III', with a stylized, flowing script.

ST. JOHN COURTENAY III
PRIMARY EXAMINER